[35.]

# A SHORT, BUT JUST ACCOUNT OF THE TRYAL OF Benjamin Harris,

UPON AN

# INFORMATION

Brought against him

For Printing and Vending a late Seditious Book called

## An Appeal from the Country To the CITY,

For the Preservation of His Majesties Person, Liberty, Property,

AND THE

## Protestant Religion.

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Printed in the Year 1679.
80.

On *Thurſdry*, the fifth of this Inſtant *February*, at the *Guildhall* in the City of *London*, There was an Information exhibited by the King's Council before my Lord Chief Juſtice *Scroggs*, againſt *Benjamin Harris* Bookſeller to this purpoſe, *viz*, That He the ſaid *Benjamin Harris*, did maliciouſly and deſignedly to ſcandalize the King and Government, cauſe to be printed, and ſold, a late ſeditious Book called, An *Appeal* frem the Countrry to the City, for the preſervation of His Majeſties Perſon, Liberty, Property, and the Proteſtant Religion; and after it was read, *Mr. Recorder* made a ſpeech to the Jury, and the whole Court, to this effect.

Gentlemen,

I *Hope, This being a matter to be tryed in the* City *of* London, *Perſons coming here in great Multitudes, come to bluſh rather than to give incouragement to it; and if we can give Your Lordſhip, and this Jury ſatisfaction that this Perſon is guilty of the offence, according as it is laid in the Information, I hope that both you, and all others that ſhall hear it, (for I perceive there is a great expectation this day from this cauſe,) I hope, I ſay, You will all abominate any man that ſhall offer at any ſuch like thing. Indeed we live in an age where all ſort of Faction and Rebellion is countenanced, Magiſtrates reviled, and ſcandalized by ſome perſons, who think they have Authority ſo to do. It is juſt like ſuch another kind of Religion, which ſome have now of late taken up, that rather than they will be thought to turn Phanaticks, they will turn plain Atheiſts, and others, who ſcorn to be either downright Rebels. This Book is as baſe a piece as ever was contrived in Hell, either by Papiſts, or the blackeſt Rebel that ever was: It ſeems to carry with it a fine Character, and has a figure of all plauſible obedience to the Crown, to wit,* an Appeal, &c. For the preſervation of His Majeſtie's Perſon, Liberty, Property, and the Proteſtant Religion. *But if any of you have ſeen it, I hope you will be ſo far from giving any countenance to it, as that you will, with me, think, 'tis ſo far from tending well to the Government, that it is only deſigned to rake up all Sedition and Rebellion, and the very worſt of all Rebellion. I muſt confeſs, I would rather have believed that it was only the ſake of lucre made him do what he did, for that would have ſomewhat extenuated his Crime, if he had not read it firſt; but then to go, and have it Printed, and expoſed to ſale, &c. this it a great aggravation,*

*If*

*If the ſame ſort of Inſinuation had been uſed towards any private Tradeſman, as hath been offered to the* KING *and Magiſtrates, I believe there is no man but would ſay, That e're this time he might have hid his head.*

*But Diſſemblances of Pretences for the ſake of the Proteſtant Religion now adays in his Shop will paſs well enough, and Perſons can tell you there how far you may go from hence to* Rome *with ſafety; and after they have blackened their mouths with Tobacco and Smoke, and do not rail againſt the Church and the Government, they are looked upon ſtrait as no Proteſtants.*

*But ſtill as to this Perſon, the farther to urge it, by way of aggravation upon him, he could vauntingly make his Boaſts, when it was put home to him, Why he would venture to do ſuch things,* &c? *That he had above a Thouſand Perſons who would ſtand by him in whatſoever he did.*

*Lord Chief Juſtice.* There was hardly ever any Book more pernicious to ſet us together by the Ears than this, nor any thing a greater Incendiary; One can hardly write a worſe----

"Says he, *We in the Country have done our parts, in Chooſing; for "the generality, good Members to ſerve in Parliament; but if (as "our Two laſt Parliaments were) they muſt be Diſſolved, or Prorogued, whenever they come to redreſs the Grievances of the Subject, we may be pitied, but not blamed. If the Plot takes effect, "(as in all probability it will) our Parliaments are not then to be "Condemned, for that their not being ſuffered to Sit occaſioned "it.*

So that here is a ſly way of caſting it upon the KING Himſelf. And if it be not down-right Treaſon, I am ſure, it is juſt upon the heels of it. 'Tis a moſt abominable Piece.

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*Then were called the Witneſſes, to prove that the Books were Sold in his Shop, and after they were all Sworn, firſt of all Mrs.* Grover, *a Printer's Wife, ſtood up, who confeſſed ſhe had half a dozen of them, but not of him; for he was either gone out, or not in the way, but ſhe had them of his Man.*

*Then ſtood up one* Mary Darby, *and ſhe ſaid, She had four of them.*

*After her, Mr.* Benjamin Tooke, *at the* Ship *in St.* Paul's Churchyard *Bookſeller, was Examined, who ſaid he ſaw ſeveral Quires of them in the Shop. And being asked by Mr.* Harris, *How he knew they were all thoſe Books? He anſwered, That he turned over a great many of them, and found them all the ſame.*

*Mr.*

*Mr. Recorder.* My Lord, he was ſo mighty zealous of this Book, of ſo great importance, no doubt, to his Party, that for fear he ſhould be diſappointed in time, he gave ſomewhat to haſten it.

*Mr. Recorder.* Call---the Printer's Man, and ſwear him.

[*Who ſtood up, and was ſworn.*]

*Mr. Recorder.* What did Mr. *Harris* give you, ha?

*Printer's Man.* He laid me down Six-pence.

*Lord Chief Juſtice.* And what, that was for haſtening the Book, was it not?

*Printer's Man.* I cannot tell Sir, not I, but he gave me Six-pence.

*Mr. Recorder.* And what, did you do it in the Day-time, was you not at it in the Night?

*Printer's Man.* Yes, I was upon it in the Night.

*Mr. Recorder.* Ay, it was a deed of darkneſs, and ſo fit for Night-work.

*Mr. Serjeant Strode.* My Lord, If it can be made out to your Lordſhip and this Jury, that he deſigned maliciouſly to ſcandalize the KING and the Government by it, we muſt acquieſce, but that, my Lord, he abſolutely denies; but ſeeing it running up and down the Town, he gets ſome of them, and ſuffers them to lie up and down in his Shop, and this only as a common thing to get money, ſo that we ſuppoſe it may not lie within the Information, becauſe it does not intentionally ſcandalize the KING and the Government.

*Mr. Williams.* He in his Trade ſold this Book, and that we admit; but, my Lord, it is a material part of the Information, that it was done with a malicious deſign, &c. and we do not take it ſo, but for the other matter we ſubmit to it.

*Lord Chief Juſtice.* Then you do admit, that he did ſell ſome of theſe Books.

*Mr. Williams.* We do, my Lord, that he did ſell one.

*Mr. Ollibear.* My Lord, this Book was publickly ſold in other Book-ſellers Shops before we had it, and ſo we thought in a way of Trade, we might do the like; but as ſoon as ever we heard there was any thing ill in the Book, we ſuppreſt the ſelling of it.

*Mr. Serjeant Strode.* They ſay, my Lord, the Printer had Six-pence given him by Mr. *Harris*.---Friend, does not he come, and give you ſome money at other times? have you never had any of him before?

*Printer's Man.* No, Sir, I never Printed any thing for him before.

*Mr. Serjeant Strode.* Was not this Printed before you ſaw it?

*Printer.* Not to my knowledge.

*Mr. Serjeant Strode.* Pray aſk the firſt Witneſs. Was not this in Print before you ſaw it in his Shop?

*Mrs. Grover.* Yes, my Lord.

*Mr. Williams.* My Lord, he is a man of other Principles than to do ſuch things.

*Mr.*

*Lord Chief Juſt.* There is ſcarce any but *Smith*, that is ſo Factious a Seller of Books, as *Harris*: All your *Domeſtick-Intelligences* are ſo; for which, you know, you have forfeited your Recognizance almoſt in every Book.

*A Neighbour was called by Mr.* Williams, *to give an Account of Mr.* Harris.

*Neighb.* My Lord, I have known him about a Twelve-Month; and I have alwayes looked upon him, to be a fair Conditioned, Quiet, Peaceable Man: He is, and has been ſo Reputed among his Neighbours. And I have never ſeen any thing from him, but what was very Quiet and Peaceable.

Mr. *Recorder.* A Book-Seller, that cauſes a Factious Book to be Printed, or Re-printed, if it was Printed before, is a Factious Fellow.

*Lord Chief Juſt.* You ſay right.

Mr. *Goodall* (another Neighbour of Mr. *Harris*'s) ſaid, upon his being asked, If he were acquainted with him? and, If he were wont to Oppoſe, or to Scandalize the KING or Government? That he never heard ſuch a like thing of him.

Mr. *Recorder.* I preſume, that none of theſe do ſtand by him, in any ſuch thing: But he, being advertiſed of it, and being asked, *Why he would offer to Expoſe to Sale ſuch a Book as this?* He anſwered and ſaid, *That he had a Thouſand Perſons, that would Stand by him.*

*Call* Robert Stevens.

*Lord Chief Juſt.* What can you ſay?

*Rob. Stephens.* My Lord, I have ſeen this Book ſeveral times in his Shop, and others too: And I have asked him, *Why he would ſo publickly Vend them?* (I did not indeed Buy one of them my ſelf, but I cauſed a Man to Buy one for me) and he ſaid, *He had ſeveral Thouſands to Stand by him*: and he is accounted an *Anabaptiſt*. He ſaid ſo before the *Maſters* and *Wardens* of the *Company*; who queſtioned him, why he ſold ſuch Scandalous Things? and he ſaid, *He had ſeveral Thouſands to Stand by him.*

*Then ſpake the* Lord Chief Juſtice *to this Purpoſe.*

BEcauſe my *Brother* ſhall be ſatisfyed with the Opinion of all the Judges of *England*, what this Offence is, which they would inſinuate, as if the meer Selling of ſuch a Book, was no Offence. 'Tis not long ſince, that all the Judges met, by the *King*'s Command; as they did ſometime before too: and they both Times declared unanimouſly, That all Perſons, that do Write, or Print, or Sell any Pamphlet, that is either Scandalous to Publick, or Private Perſons; ſuch Books may be ſeized, and the Perſon puniſhed by Law: That all Books, which are Scandalous to the Government, may be ſeized; and all Perſons ſo Expoſing them, may be Puniſhed. And further; That all Writers of News, though not Scandalous, Seditious, nor Reflective upon the Government, or the State; yet if they are Writers (as there are few others) of Falſe-News, they are Indictable, and Puniſhable upon that Account.

So that, your Hopes of any thing of that kind, will be vain; for all the Judges have declared this Offence, at the Common-Law, to be Puniſhable in the Seller, though in the way of his Trade: The Books may be ſeized, and the Perſon puniſhed.

As for this Book, in particular; You can hardly read a more baſe, and pernitious Book, to put us all into a Flame: It gives you ſuch Incitements, and ſuch baſe Incouragements, with ſuch Reflections upon all ſorts of Perſons, (for I have Read it upon this Account) that I think, there can ſcarce be a worſe made. He would ſet up another Man, that has no Title, to the Crown: For (ſayes he) *the Greateſt Danger accruing to your Perſons, as well as to the whole Kingdom, upon the* KING*'s untimely Death, will proceed from a Confuſion, and want of ſome Eminent and Intereſted Perſon, whom you may truſt, to Lead you up againſt a* French *and* Popiſh *Army: For which purpoſe, no Perſon is fitter, than his Grace, the Duke of* Monmouth; *as well for Quality, Courage, and Conduct, as for that his Life and Fortune depends upon the ſame Bottom with Yours. He will ſtand by You; and therefore, You ought to ſtand by him. And remember the Old Rule is,* He who hath the worſt Title, ever makes the beſt KING; *as being Conſtrained by a Gracious Government, to ſupply what he wants in Title: That inſtead of,* GOD and my Right; *his Motto may be,* GOD and my People. He ſayes, *Such a one would make a better* KING; *for,*

*for, as you ſee, the Worſe the Title, the Better the KING. A KING, with a Bad Title, makes a Better KING, than he that hath a Good One; for, he ſhall be obliged to Comply with, and will humour the People, for want of a Title.* A Thing, which is of the baſeſt Nature, that can be: And yet this Man muſt give Money, to haſten the Printing of ſuch a Book; and he had ſeveral Quires of them in his Shop. Except the Writer of it, there cannot be a worſe Man in the World; who, for Trival Profit, will neglect the Peace and Quiet of his Country, and ſet us all together by the Ears, for a Groat. And, Mr. *Harris*, if you expect any thing in this World, of this kind of Favour, you muſt find out the Author; for he muſt be a Rebellious, and a Villainous Traytor: For, though he ſeems to inveigh againſt *Popery*, it is only to be a Rebel. And certainly, he has rejected all the Laws of *God*, and all Obedience that Man requires; and prophaned all Holy Writ. He is ſome Body, whoſe Fortune does not ſuit with his Condition; and who, becauſe he is not at eaſe and quiet himſelf, will let no Body elſe be ſo neither.

You have nothing more to do, but to give your Verdict: } *Speaking to the* Jury, *who preſently with-drew.*

If there be any thing in Law, let me know it; becauſe you go out.

Then one of the Jury asked my Lord, if they might not have the Book with them, which was there in the Court, and it was anſwered in the Negative.

Before the Jury went out, Mr. *Harris* would fain have ſpoke to them for himſelf, but it was not permitted him.

*Then, after a little while tarrying, they returned to the Bar.*

And being, as is uſual, asked if they were agreed on their Verdict, and who ſhould ſpeak for them; they anſwered yes, and appointed their Foreman, who ſaid He was guilty of ſelling the Book.

At which there was a very great and Clamorous Shout.

Lord Chief Juſtice ſaid, that was not their buſineſs, they were only to determine whither barely Guilty, or not Guilty.

The Recorder would have had them given their Verdict by the Poll, but they all unanimouſly Cryed out, they were all Agreed, and then the Foreman gave the Verdict again, Guilty.

Mr. Recorder then prayed, that he being for the King, Mr. *Harris* might ſtand Committed; who was thereupon preſently delivered to a Tippſtaff to be carryed to the Kings Bench.

Mr. *Harris* earneſtly beſeeched his Lordſhip, that he might be ſent to any other Priſon, and named *Newgate* three or four times, but it was not granted him: Thereupon he ſaid, I hope God will give me Patience to go through it.

Then my Lord Chief Juſtice ſpake to the Jury to this Effect.

I am ſorry you gave Countenance to this Cauſe ſo much, as to ſtir from the Bar, when the Evidence was ſo full, and when I told you plainly, not only my Opinion, but likewiſe that of all the Judges of *England*, that ſelling this Book was an Offence at the Common Law, for which they ought to be puniſhed: and yet with your Scruples, you give the Party (with their Hollows, and Shoutings) to take Advantage; though you did mean upon the matter, the ſame thing then, you do now: Yet you ſee, upon every little occaſion, when a thing ſhall ſeem to thwart the Government, how ready they are to ſend up their loud Hollowings. It was not ſo prudently done as might have been done.

We had need look about us, for if at ſuch a time, and for ſuch a baſe Book, ſuch Clamorous Noiſes ſhall be made, what ſhall become of us? Our Lives and Fortunes are at ſtake. Would I knew ſome of thoſe Shouters, I would make them know, I would puniſh them: I am Incenſed in the behalf of the Government, and of all our Lives and Fortunes, that ſuch ſhall go unpuniſhed.

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*FINIS.*

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